

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ROBERTO DURAND,

Petitioner,

v.

DAVID DRUMMOND, *et al.*,

Respondents.

Case No. 3:19-cv-00763-MMD-WGC

ORDER

On May 12, 2020, this Court entered an order and judgment dismissing Petitioner Roberto Durand's habeas petition as untimely under 28 U.S.C. § 2244(d). (ECF Nos. 10, 11.) A year and a half later, Durand filed a notice of appeal. (ECF No. 14.) The Ninth Circuit Court of Appeals dismissed the appeal for lack of jurisdiction because it "was not filed or delivered to prison officials within 30 days after the district court's judgment entered on May 12, 2020." (ECF No. 17 (citing U.S.C. § 2107(a)); *United States v. Sadler*, 480 F.3d 932, 937 (9th Cir. 2007).)

Notwithstanding the entry of judgment against him and the dismissal of his appeal, Durand continues to file documents in this proceeding with the apparent misapprehension that either this Court or the Court of Appeals is still entertaining briefs from the parties. (ECF Nos. 20, 21, 22.) That is not the case. In addition, the time permitted to file a motion to set aside the judgment has elapsed unless Durand can demonstrate extraordinary circumstances warranting relief. See Fed R. Civ. P. 60; see also *Gonzalez v. Crosby*, 545 U.S. 524, 535 (2005) ("[O]ur cases have required a movant seeking relief under Rule 60(b)(6) to show "extraordinary circumstances" justifying the reopening of a final judgment.").

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1 It is therefore ordered that Durand's pending motions (ECF Nos. 20, 21, 22) are
2 denied as moot.

3 DATED THIS 11th Day of March 2022.

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5 MIRANDA M. DU
6 CHIEF UNITED STATES DISTRICT JUDGE
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